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8 Attorneys for Plaintiffs
9 Jeremy Totten and Steven Zook

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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 JEREMY TOTTEN, an individual,

15 Case No.: 2:25-cv-00112-TLN-DMC

16 Plaintiff,

17 v.
18
19 **STIPULATION TO CONSOLIDATE**
20 **CASES FOR DISCOVERY PURPOSES**

21 UNITED RENTALS (NORTH AMERICA),
22 INC., a Delaware corporation; SKYJACK
23 INC., a Canadian corporation; and DOES 1
24 through 150, inclusive,

25 Defendants.

26 STEVEN ZOOK, an individual,

27 Case No.: 2:25-cv-00800-TLN-DMC

28 Plaintiff,

29 v.
30
31 UNITED RENTALS (NORTH AMERICA),
32 INC., a Delaware corporation; SKYJACK
33 INC. a Canadian corporation; and DOES 1
34 through 150, inclusive,

35 Defendants.

1 Plaintiff Jeremy Totten (“Plaintiff Totten”); Plaintiff Steven Zook (“Plaintiff Zook”);
2 Defendant United Rentals (North America), Inc. (“United Rentals”), a Delaware corporation; and
3 Skyjack, Inc., a Canadian corporation (“Skyjack”), through their respective counsel of record,
4 stipulate as follows:

5 1. Plaintiff Totten filed his Complaint for Personal Injury in Siskiyou County Superior
6 Court on November 13, 2024, as Case No. 24CIV13362.

7 2. Defendant United Rentals removed the case from Siskiyou County Superior Court
8 to this Court on or about January 10, 2025, with the case now pending in this Court as the action
9 entitled *Totten v. United Rentals, et al.*, Case No. 2:25-cv-00112-TLN-DMC (the “Totten Action”).
10 All defendants have filed answers in the Totten Action, with the last answer filed on January 23,
11 2025.

12 3. The Totten Action relates to injuries that Plaintiff Totten contends that he sustained
13 due to the alleged malfunction of a scissor lift manufactured by Skyjack and rented to Plaintiff
14 Totten’s employer by defendant United Rentals.

15 4. Plaintiff Zook, who is Plaintiff Totten’s co-worker, also filed a Complaint against
16 Skyjack and United Rentals, with Plaintiff Zook’s Complaint filed in this Court on March 11, 2025,
17 thereby initiating the action entitled *Zook v. United Rentals, et al.*, Case No. 2:25-cv-00800-DJC-
18 DMC (the “Zook Action”). Answers in the Zook Action are not due until June, 2025.

19 6. This Court ordered the Totten Action and Zook Action related pursuant to Orders
20 entered on April 1, 2025.

21 7. The Court has issued Initial Pretrial Scheduling Orders in both actions, however the
22 applicable dates in the respective Orders are not aligned because the answers in the two cases will
23 be filed approximately five (5) months apart (and several applicable dates run from the date that the
24 last answer is filed).

25 8. During their Rule 26 conference, counsel for the parties agreed that discovery in
26 both actions will involve common witnesses, document production, and expert opinion. Therefore,
27 pursuant to FRCP 42(s), the parties agree that discovery in the Totten Action and the Zook Action
28 should be consolidated.

1 9. All discovery in the two actions, whether already conducted or to be conducted,
2 shall be consolidated, and discovery conducted in both actions may be used in and will apply
3 equally to both actions.

4 10. All references in the Initial Pretrial Scheduling Order which relate to the date of the
5 filing of the last answer shall run from the date of the last answer filed in the Zook Action.

6 11. The parties do not presently have a consensus on consolidation of the two actions
7 for all purposes, including trial. However, this Stipulation and Order are without prejudice to
8 Plaintiffs, or either of them, seeking consolidation for all purposes, or for trial, at a future date.
9 Any such request shall be filed no later than the date for filing dispositive motions.

10 Dated: May 30, 2025

ANDERLINI & MCSWEENEY LLP

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By: /s/ P. Terry Anderlini
P. Terry Anderlini
Counsel for Plaintiff

Dated: May 30, 2025

GORDON REES SCULLY
MANSUKHANI, LLP

By: /s/ David A. Serrano
David A. Serrano
Counsel for United Rentals
(As authorized on May 30, 2025)

Dated: May 30, 2025

GLYNN AND FINLEY

By: /s/ Jonathan A. Eldredge
Jonathan A. Eldredge
Counsel for Skyjack
(As authorized on May 30, 2025)

1 **ORDER**

2 IT IS SO ORDERED.

3 Dated: June 2, 2025

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6 Troy L. Nunley
7 Chief United States District Judge

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